

The Berryville Town Council held a called meeting on October 10, 2006 in the Board of Supervisors meeting room, Berryville, Virginia.

The following were present:

Council - Richard G. Sponseller, Mayor
Harry Lee Arnold, Jr., Recorder
Wilson Kirby
Lawrence Russell, III
Barry Nicholson
Allen Kitselman

Staff - Keith R. Dalton, Town Manager
Dave Tyrell, Utilities Director
Celeste Heath, Town Clerk

Press - Winchester Star: Bob Igoo

Mayor Sponseller called the meeting to order at 5:00 p.m.

Mr. Dalton said that the meeting was called to update the Town Council on the the planning for the new wastewater treatment plant. He introduced William Johnson and Barry Woods of Stearns & Wheler and Bob Krallinger of Whitman, Requardt and Associates. He said that there will be a chartering meeting on October 24 at 11:00 a.m. in Town Council Chambers.

Mr. Krallinger then explained how his firm and Stearns & Wheler will work together on the project. He then gave an overview of the project.

There was a general discussion of compliance and how compliance and non-compliance will affect loading capacity.

Mr. Johnson then spoke about grant funding negotiation. He said that the grant application deadline continues to change but he suspects it will be some time in November.

Mr. Johnson said that at this time the town is collecting samples so that he can provide a wastewater characterization. He then explained the different types of wastewater processing systems and spoke briefly about odor control. He then outlined methods of sludge processing and disposal.

Mr. Krallinger then explained that the water quality of the effluent discharge will be so good that it can be discharged into smaller streams including Dog, Buckmarsh and Craig's Runs. He said that this could save a lot of money instead of going the four miles to discharge directly into the river. The Town Council discussed the alternatives to discharge directly into the Shenandoah River.

There was a general discussion of growth in the Berryville Area and the waste load needed for that growth. Mr. Dalton said that the anticipated growth in the Berryville Area (Annexation Area B) is expected to require a treatment plant with a capacity of 1.2 to 1.4 MGD.

Mr. Krallinger outlined the project schedule which encompasses about 36 months.

There was a discussion of the chartering meeting. Mr. Johnson said that it is meant to be as inclusive and open as possible. He asked that the council forward names of any invitees that he has missed.

The meeting was adjourned to a meeting with the Board of Supervisors at 6:00 p.m.

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The following were present:

Council -	Richard G. Sponseller, Mayor Harry Lee Arnold, Jr., Recorder Wilson Kirby Lawrence Russell, III Barry Nicholson Allen Kitselman
Staff -	Keith R. Dalton, Town Manager Dave Tyrell, Utilities Director Celeste Heath, Town Clerk
Press -	Winchester Star: Bob Igoe

Mayor Sponseller called the meeting to order at 6:00 p.m.

John Staelin of the Board of Supervisors said that the County of Clarke has an opportunity to purchase 203 Josephine Street. He said that the County can't purchase property in the town's jurisdiction without Town Council approval. Mr. Staelin said that the Board of Supervisors will meet on the matter on November 9 at 6:30 p.m. He said they would like to move along on the project by November 19. Mr. Dalton said he would research the issue and that the Council should be able to address the issue at their next regular meeting.

Ms. Caroline Perry of BotkinRose was present to speak about the Joint Agreement regarding the Joint Administrative Complex. Mr. Lowell Baughan of Baughan and Bauckages Architects was also present.

Mr. Staelin said that the county wants to expand their building to include the Building Department and the Extension office and has heard that this will cause a month delay. Mr. Baughan said that he hoped there would be no delay, but that the new section would be bid out as a separate component.

Mr. Dalton presented the October 3, 2006 memo from Caroline Perry outlining the structure of the financing deal. Ms. Perry then gave a brief overview of the conduit financing. She said that she does a lot of work with the USDA. She said that the Federal government encourages localities working together and that is why this process has gone so smoothly.

She said that the USDA would amend the loan for any subsequent addition by the county. She then explained that the easiest way for the funding to work is to create a conduit lease through the Industrial Development Board. She explained that using the IDA as a “straw man” in the process is the most efficient and simple way to fund this project.

There was a general discussion of the requisitioning process during the construction process.

Ms. Perry said that after the Board of Supervisors and Town Council and IDA approve the Joint Resolution, funding from the USDA should be available in February or March. Mr. Dalton said that this works well with the schedule.

Council member Russell left the meeting at 6:30 p.m. to attend the Planning Commission meeting.

Ms. Perry then said that she wants to assure everybody that the IDA is a facilitator and that they have been great to work with, and that they are technically not the borrower.

Ms. Perry said that the agreement being considered at this meeting is the guts of the deal that states that the town and the county will work together. She said that the agreement is in draft form and that Mr. Mitchell will have some additions. She said the document will surely change as the joint committee begins to work together.

It was decided that “Vice-Mayor” would be changed to “Recorder” on the town’s signature line.

Ms. Perry explained that the Joint Resolution authorizes the Town Manager and County Administrator to continue working on the agreement allowing the Chairman of the Board and the Mayor to execute the final agreement.

It was moved by Council member Nicholson, seconded by Council member Kirby that the Council of the Town of Berryville approve the attached Joint Resolution regarding the Berryville-Clarke County Government Center Joint Agreement.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Wilson Kirby
 Allen Kitselman
 Barry Nicholson
 Harry Lee Arnold, Jr., Recorder

Nay – None

Absent – Lawrence Russell, III

The Berryville Town Council held a joint public hearing with the Planning Commission on October 10, 2006 in the Town Council Chambers, Berryville, Virginia.

The following were present:

Council - Richard G. Sponseller, Mayor
Harry Lee Arnold, Jr., Recorder
Wilson Kirby
Lawrence Russell, III
Barry Nicholson
Allen Kitselman

Planning Commission –
Harold Rohde
Douglas B. Shaffer
Gail Smith
Wesley B. Shaffer
Robert Ferrebee
Gwen Malone
Lawrence Russell, III

Staff - Keith R. Dalton, Town Manager
Desiree Moreland, Asst. Town Manager/Treasurer
Christy Dunkle, Asst. Town Manager
Dave Tyrell, Utilities Director
Neal White, Chief of Police
Celeste Heath, Town Clerk

Press - Winchester Star: Bob Iggoe
Clarke Times-Courier: Rebecca Maynard

Mayor Sponseller called the joint public hearing to order to hear comments on the following:

- a) Proposed Annexation of approximately 176 acres of Annexation Area B, area known as Annexation Area B-8.
- b) Proposed application of Town Zoning to Annexation Area B-8.
- c) Proposed amendment of the boundaries of the Town's election wards because of the addition of approximately 176 acres known as B-8.

Kenneth L. Peffer, 508 South Church Street asked about the services he will receive and how his well and septic system will be affected when his property is annexed.

Mr. Dalton said that all town services will be provided to the property including police protection, trash collection and street lights. Mr. Dalton said that the Town Code states that anyone who is within 200 feet of public water and sewer is compelled to connect to the system. In the past, the town has not compelled people to do this unless their current system fails. He added that he does not know how Council will rule on this issue in the future. He noted that the Southgate subdivision extended service to the Peffer's property. If the Town Council did require a connection then the property owners would be responsible for availability fees and connecting to the main.

Mr. Nicholson said that he doesn't believe that the Council would change unwritten rules and compel the Peffers to connect to the system.

Upon motion by Council member Russell, second by Council member Kirby, the public hearing was closed.

The Planning Commission recommended that the Town Council approve the proposed Annexation, proposed application of zoning and proposed amendment of the Town's election ward boundaries. The Town Council deferred action until their regular meeting in November.

Mayor Sponseller called the joint public hearing to order to hear comments on the following:

- a) Proposed amendment to Chapter 9, Future Land Use and Future Land Use Map, of the Berryville Comprehensive Plan, to modify the land use designation for a portion of Barnett Street.
- b) Kenrock Development Company rezoning request for 4 and 8 Barnett Street to change the zoning from R-2 Residential to C General Commercial.
- c) Proposed amendment to the zoning map of the Town of Berryville changing the zoning designation applied to 4 and 8 Barnett Street from R-2 Residential to C General Commercial.

Ms. Dunkle said that public hearing notices ran in the Clarke Times-Courier on Thursday, September 28 and Thursday, October 5, 2006. Adjacent property notices were sent via first class mail on September 21, 2006.

Mr. Rocky Fera, representing the property owner, was present. Ms. Dunkle noted that Barnett Street is a private street. She said that applicant is requesting the rezoning of two parcels on Barnett Street from R-2 Residential to C General Commercial. The Planning Commission recommended approval of the request with submitted proffers including amendments to the Comprehensive Plan Land Use Map and the Town of Berryville Zoning Map.

There was no public comment.

Upon motion by Council member Nicholson, second by Recorder Arnold, the public hearing was closed.

Mayor Sponseller called the TOWN COUNCIL MEETING to order at 7:40 p.m. on October 10, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

On motion by Council member Nicholson, seconded by Council member Kitselman and passed, the minutes of the Council meeting of September 12, 2006 were approved as written.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Wilson Kirby
 Allen Kitselman
 Barry Nicholson
 Lawrence Russell, III

Nay – None

Absent – None

On motion by Council member Nicholson, seconded by Council member Kitselman and passed, the minutes of the Council meeting of September 27, 2006 were approved as written.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Allen Kitselman
 Barry Nicholson
 Lawrence Russell, III

Nay – None

Abstain – Wilson Kirby

Absent – None

Citizen's Forum

Kate Petranec of Berryville Main Street updated the Council on the good results from their resolution on the Journey Through Hallowed Grounds project. She said that Berryville is now listed in the project's directory.

Donnie McGee, 13 Jack Enders Boulevard said that she has been talking to Mr. Dalton about availability fees for her property in the industrial park. She said that she is being asked to pay a larger fee because her original fee expired before the meter was installed. She said that this was because of the town's delay.

Mr. Dalton said that he does not agree that the town caused the delay. He stated that any delay is to be attributed to other parties including McGee Crane. He said that Ms. McGee said that she was told that there was a water lateral from the main to the lot when in fact there was not. Ms. Dunkle said she became involved when she tried to help the McGee's sort the matter out with the County. She said that she verified that the connection is shown incorrectly on the site plan that was approved by the County.

Recorder Arnold said that Mr. McGee also spoke to him about the issue. Recorder Arnold said that he does not believe this is the town's fault. He said that this is a county issue that he has been working to resolve with Chuck Johnston, the County Planner and Jay Hillerson of the Industrial Development Board. He said that the McGee's can get water connected as soon as they pay the availability fee.

Mr. Dalton said that the Industrial Development Board has this issue on their meeting agenda for October 19.

Ms. McGee said she felt she should have gotten a grace period before the old availability fee expired.

Mr. Dalton said that the agreement that Mr. McGee signed stated that the entire fee is forfeited after 6 months. This policy was changed soon thereafter reducing the timeframe

to 2 months but allowing the original fee to be credited to any availability increase. He said that he has tried to be reasonable by allowing the McGee's to pay just the difference in the availability fee increase.

Council member Kitselman said that meters are usually installed when buildings are ready for occupancy. Mayor Sponseller asked when the building was ready for occupancy. Ms. McGee said that it wasn't ready for occupancy yet but that they need water. Mr. Dalton said that meters are not set on vacant lots so they would not have made the deadline anyway.

Ms. McGee said that she would deal with the County and IDA on the matter.

Planning and Zoning Matters

Public Hearing - Annexation Area B-8

Town Council deferred action on this matter until their regular November meeting.

Public Hearing - KenRock Development

It was moved by Council member Nicholson seconded by Council member Kirby that the Council of the Town of Berryville approve the request to rezone the parcels located at 4 and 8 Barnett Street, identified as Tax Map Parcel numbers 14A-2-((A))-46 and 14A-2-((A))-47, respectively, from R-2 Residential to C General Commercial Zoning.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Wilson Kirby
 Barry Nicholson
 Lawrence Russell, III

Nay – None

Abstain - Allen Kitselman

It was moved by Council member Nicholson seconded by Council member Russell that the Council of the Town of Berryville approve the request to modify Chapter 9 Future Land Use and the Future Land Use Map of the Town of Berryville Comprehensive Plan to indicate business uses on the parcels located at 4 and 8 Barnett Street.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Wilson Kirby
 Barry Nicholson
 Lawrence Russell, III

Nay – None

Abstain - Allen Kitselman

It was moved by Council member Nicholson seconded by Council member Russell that the Council of the Town of Berryville approve the request to modify the Town of Berryville Zoning Map to indicate C General Commercial zoning on the parcels located at 4 and 8 Barnett Street.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Wilson Kirby
 Barry Nicholson
 Lawrence Russell, III

Nay – None

Abstain - Allen Kitselman

Report of the Town Manager – Keith Dalton

Mr. Dalton said that the County will hold a public meeting regarding the purchase of 203 Josephine Street. He said that they are committed to developing the land next to the Johnson Williams apartments for affordable housing and this purchase would help. He said that the County can't purchase property in the town's jurisdiction without Town Council approval.

Mr. Dalton said that he has been discussing with the owner of Country View Apartments the possible sale of that Section 8 housing project. He said that he has made contacts with several housing organizations to try to maintain these units as affordable housing. Council member Nicholson said that he believes the Council would like to see this remain as affordable housing. The Council concurred.

Mr. Dalton congratulated Ms. Dunkle, Kylie Pettie and McGruff the Crime Dog (Chief White) for their work on National Walk to School Day, noting that these events fit into the Comprehensive Plan goals of creating a walkable town.

Reports of Standing Committees

- a. BADA Liaison
 Nothing to add.
- b. Budget/Finance/CIP – Richard G. Sponseller, Chair

 Mayor Sponseller reported that revenues are at 21.46% and expenses are at 21.87%
- c. Community Improvements – Allen Kitselman, Chair
 Council member Kitselman reported that the committee will meet on October 25.
- d. Personnel/Appointments - Richard Sponseller, Chair
 Nothing to report.
- e. Planning Commission Liaison – Lawrence Russell, Chair
 Nothing to add.

BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
KENROCK REZONING OF 4 AND 8 BARNETT STREET

Date: October 10, 2006

Motion By: Barry Nicholson

Second By: Wilson Kirby

I move that the Council of the Town of Berryville approve the request to rezone the parcels located at 4 and 8 Barnett Street, identified as Tax Map Parcel numbers 14A-2-((A))-46 and 14A-2-((A))-47, respectively, from R-2 Residential to C General Commercial Zoning.

VOTE:

Aye - Richard G. Sponseller, Mayor
Harry Lee Arnold, Jr., Recorder
Wilson Kirby
Barry Nicholson
Lawrence Russell, III

Nay - None

Abstain - Allen Kitselman

ATTEST:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
AN AMENDMENT TO CHAPTER 9 FUTURE LAND USE AND THE
FUTURE LAND USE MAP OF THE BERRYVILLE COMPREHENSIVE PLAN

Date: October 10, 2006

Motion By: Barry Nicholson

Second By: Lawrence Russell, III

I move that the Council of the Town of Berryville approve the request to modify Chapter 9 Future Land Use and the Future Land Use Map of the Town of Berryville Comprehensive Plan to indicate business uses on the parcels located at 4 and 8 Barnett Street.

VOTE:

Aye - Richard G. Sponseller, Mayor
Harry Lee Arnold, Jr., Recorder
Wilson Kirby
Barry Nicholson
Lawrence Russell, III

Nay - None

Abstain - Allen Kitselman

ATTEST:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
AN AMENDMENT TO THE TOWN OF BERRYVILLE
ZONING MAP

Date: October 10, 2006

Motion By: Barry Nicholson

Second By: Lawrence Russell, III

I move that the Council of the Town of Berryville approve the request to modify the Town of Berryville Zoning Map to indicate C General Commercial zoning on the parcels located at 4 and 8 Barnett Street.

VOTE:

Aye - Richard G. Sponseller, Mayor
Harry Lee Arnold, Jr., Recorder
Wilson Kirby
Barry Nicholson
Lawrence Russell, III

Nay - None

Abstain - Allen Kitselman

ATTEST:

Harry Lee Arnold, Jr., Recorder

f. Police and Security Committee – Barry Nicholson, Chair

Police Department – Monthly Report – Chief Neal White

Chief White presented a General Order regarding firearms and the use of force.

It was moved by Council member Nicholson seconded by Recorder Arnold that the Council of the Town of Berryville approve the General Order #5 - Firearms and Use of Force.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Harry Lee Arnold, Jr., Recorder
 Wilson Kirby
 Allen Kitselman
 Barry Nicholson
 Lawrence Russell, III

Nay – None

g. Streets and Utilities - Wilson Kirby, Chairman
Nothing to report.

There being no further business, on motion by Council Member Russell, seconded by Council Member Nicholson and passed by voice vote, the Council meeting was adjourned at 8:10 p.m.

Richard G. Sponseller, Mayor

Harry Lee Arnold, Jr., Recorder